

RECEIVED

JUN 12 2003

TECH CENTER 1600/2900

**REVOCATION AND POWER OF ATTORNEY**

Please revoke any existing Powers of Attorney, if any, and appoint the following attorneys and/or patent agents to prosecute the following applications and/or patents and to transact all business in the U.S. Patent and Trademark Office connected therewith in Table A:

|                             |                 |                           |                   |
|-----------------------------|-----------------|---------------------------|-------------------|
| Ali, M. Jeffer              | Reg. No. 46,359 | Hope, Leonard J.          | Reg. No. 44,774   |
| Altera, Allan G.            | Reg. No. 40,274 | Hornsby, III, Alton       | Reg. No. 47,299   |
| Anderson, Gregg I.          | Reg. No. 28,828 | Jacobson, Charles A.      | Reg. No. 53,061   |
| Batzli, Brian H.            | Reg. No. 32,960 | Johns, Nicholas P.        | Reg. No. 48,995   |
| Beard, John L.              | Reg. No. 27,612 | Johnston, Scott W.        | Reg. No. 39,721   |
| Berns, John M.              | Reg. No. 43,496 | Kalinsky, Robert A.       | Reg. No. 50,471   |
| Blackburn, Murrell W.       | Reg. No. 50,881 | Kelly, Zachary J.         | Reg. No. 53,108   |
| Bortolotti, Rebecca         | Reg. No. 51,488 | Kettelberger, Denise      | Reg. No. 33,924   |
| Branch, John W.             | Reg. No. 41,633 | Keys, Jeramie J.          | Reg. No. 42,724   |
| Brown, Jeffrey C.           | Reg. No. 41,643 | Knearl, Homer L.          | Reg. No. 21,197   |
| Bruess, Steven C.           | Reg. No. 34,130 | Korver, Joshua W.         | Reg. No. 51,894   |
| Byrne, Linda M.             | Reg. No. 32,404 | Kowalchyk, Alan W.        | Reg. No. 31,535   |
| Campbell, Keith             | Reg. No. 46,597 | Kowalchyk, Katherine M.   | Reg. No. 36,848   |
| Clifford, John A.           | Reg. No. 30,247 | Lamberty, Michael         | Reg. No. 50,760   |
| Cook, Jeffrey               | Reg. No. 48,649 | Larson, James A.          | Reg. No. 40,443   |
| Daignault, Ronald A.        | Reg. No. 25,968 | Lauer, Deakin T.          | Reg. No. 47,892   |
| Daley, Dennis R.            | Reg. No. 34,994 | Leach III, Thomas J.      | Reg. No. P-53,188 |
| Daley, William J.           | Reg. No. 52,471 | Leonard, Christopher J.   | Reg. No. 41,940   |
| Daulton, Julie R.           | Reg. No. 36,414 | Lewis, George C.          | Reg. No. 53,214   |
| DeVries Smith, Katherine M. | Reg. No. 42,157 | Liepa, Mara E.            | Reg. No. 40,066   |
| DiPietro, Mark J.           | Reg. No. 28,707 | McDonald, Daniel W.       | Reg. No. 32,044   |
| Doscotch, Matthew A.        | Reg. No. 48,957 | McIntyre, Jr., William F. | Reg. No. 44,921   |
| Edell, Robert T.            | Reg. No. 20,187 | Mueller, Douglas P.       | Reg. No. 30,300   |
| Epp Ryan, Sandra            | Reg. No. 39,667 | Nelson, Anna M.           | Reg. No. 48,935   |
| Fitzsimmons, Karen A.       | Reg. No. 50,470 | Parsons, Nancy J.         | Reg. No. 40,364   |
| Gadiano, Christina M.       | Reg. No. 37,628 | Pauly, Daniel M.          | Reg. No. 40,123   |
| Gaffney, Matthew M.         | Reg. No. 46,717 | Peterson, Kyle T.         | Reg. No. 46,989   |
| Goggin, Matthew J.          | Reg. No. 44,125 | Phillips, John B.         | Reg. No. 37,206   |
| Golla, Charles E.           | Reg. No. 26,896 | Pino, Mark J.             | Reg. No. 43,858   |
| Gorman, Alan G.             | Reg. No. 38,472 | Qualey, Terry             | Reg. No. 25,148   |
| Gotfredson, Garen J.        | Reg. No. 44,722 | Randall, Joshua N.        | Reg. No. 50,719   |
| Gould, John D.              | Reg. No. 18,223 | Reich, John C.            | Reg. No. 37,703   |
| Gregson, Richard            | Reg. No. 41,804 | Reiland, Earl D.          | Reg. No. 25,767   |
| Gresens, John J.            | Reg. No. 33,112 | Roath, Paul D.            | Reg. No. 45,045   |
| Haack, John L.              | Reg. No. 36,154 | Schmaltz, David G.        | Reg. No. 39,828   |
| Hamre, Curtis B.            | Reg. No. 29,165 | Schuman, Mark D.          | Reg. No. 31,197   |
| Hennings, Mark              | Reg. No. 48,982 | Schumann, Michael D.      | Reg. No. 30,422   |
| Hertzberg, Brett A.         | Reg. No. 42,660 | Scull, Timothy B.         | Reg. No. 42,137   |
| Hillson, Randall A.         | Reg. No. 31,838 | Sebald, Gregory A.        | Reg. No. 33,280   |

|                          |                 |                      |                 |
|--------------------------|-----------------|----------------------|-----------------|
| Skoog, Mark T.           | Reg. No. 40,178 | Wahl, John R.        | Reg. No. 33,044 |
| Sorge, Keith M.          | Reg. No. 50,865 | Welter, Paul A.      | Reg. No. 20,890 |
| Stewart, Alan R.         | Reg. No. 47,974 | Whitaker, John E.    | Reg. No. 42,222 |
| Stoll-DeBell, Kirstin L. | Reg. No. 43,164 | Wiegand, Jamie       | Reg. No. 52,361 |
| Sullivan, Timothy        | Reg. No. 47,981 | Wier, David D.       | Reg. No. 48,229 |
| Swenson, Erik G.         | Reg. No. 45,147 | Williams, Douglas J. | Reg. No. 27,054 |
| Tellekson, David K.      | Reg. No. 32,314 | Withers, James D.    | Reg. No. 40,376 |
| Trembath, Jon R.         | Reg. No. 38,344 | Wong, Bryan A.       | Reg. No. 50,836 |
| Tunheim, Marcia A.       | Reg. No. 42,189 | Wong, Thomas S.      | Reg. No. 48,577 |
| Underhill, Albert L.     | Reg. No. 27,403 | Xia, Tim Tingkan     | Reg. No. 45,242 |
| Vidovich, Kristin K.     | Reg. No. 41,448 | Zeuli, Anthony R.    | Reg. No. 45,255 |

**TABLE A**

| <b><u>Docket No.</u></b> | <b><u>Serial No.</u></b> | <b><u>Filing Date</u></b> |
|--------------------------|--------------------------|---------------------------|
| 12742.4USC1              | 10/094,892               | March 11, 2002            |
| 12742.5USC2              | 10/205,675               | July 25, 2002             |
| 12742.7US01              | 10/112,396               | March 28, 2002            |
| 12742.8US01              | 10/037,260               | November 7, 2001          |
| 12742.15USWO             | 10/009,408               | July 2, 2002              |
| 12742.16USWO             | 10/069,812               | June 11, 2002             |
| 12742.19USWO             | 10/088,049               | June 4, 2002              |
| 12742.31US01             | 08/529,386               | September 18, 1995        |
| 12742.44US01             | 29/137,936               | March 1, 2001             |
| 12742.50USWO             | 10/088,048               | June 4, 2002              |
| 12742.86USC2             | 10/271,822               | October 15, 2002          |

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Tetra Holding (US), Inc., a corporation organized and existing under the laws of the State of Delaware, having a place of business at 3001 Commerce Street, Blacksburg, Virginia 24060, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☐ An assignment from the inventor(s), of the patent application identified above.  
The assignment was recorded in the Patent and Trademark Office on \_\_\_\_\_, at  
Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy is attached.

B. ☒ A chain of title:

1. From: Inventor(s) To: Warner-Lambert Company

A chain of title from the inventors of the patent applications identified below to Warner-Lambert Company as noted in the attached Table B.

2. From: Warner-Lambert Company To: Tetra Holding (US), Inc.

A copy of the Assignment is attached and will be recorded at the Assignment Branch on even date herewith.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please direct all correspondence to Ronald A. Daignault, MERCHANT & GOULD P.C., P.O. Box 2903, Minneapolis, MN 55402-0903, telephone (612) 332-5300.

Date: 5-27-2003

By: \_\_\_\_\_

Joseph Gil

Title: Chief Financial Officer



**TABLE B**

| <u>Docket No.</u> | <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventors</u>   | <u>Assignment<br/>Recordation Date</u> | <u>Reel/Frame No.</u> |
|-------------------|-------------------|--------------------|--|--|-----------------------|
| 12742.4USC1       | 10/094,892        | March 11, 2002     | Roland D. Horth<br>Joseph Lee  | December 12, 1997                      | 8992/0761             |
| 12742.5USC2       | 10/205,675        | July 25, 2002      | Hubert Kürzinger<br>Hartmut Schmidt<br>Dietmar Kuhlmann<br>Rudiger Heine | August 20, 1999                        | 010358/0956           |
| 12742.7US01       | 10/112,396        | March 28, 2002     | Joseph Christopher<br>Carley<br>Mark Gerard Agresta                      | May 13, 2002                           | 012904/0031           |
| 12742.8US01       | 10/037,260        | November 7, 2001   | John Edward Fox<br>Rodney Allen Parker                                   | March 13, 2002                         | 012655/0146           |
| 12742.15USWO      | 10/009,408        | July 2, 2002       | Hartmut Schmidt<br>Hubert Kurzinger                                      | March 18, 2002                         | 012708/0684           |
| 12742.16USWO      | 10/069,812        | June 11, 2002      | Hubert Kurzinger<br>Dietmar Kuhlmann                                     | July 1, 2002                           | 013035/0016           |
| 12742.19USWO      | 10/088,049        | June 4, 2002       | Gunter Ritter  | June 4, 2002                           | 012953/0972           |
| 12742.31US01      | 08/529,386        | September 18, 1995 | Gunter Ritter  | May 29, 1997                           | 8552/0837             |
| 12742.44US01      | 29/137,936        | March 1, 2001      | Joseph C. Carley<br>John E. Fox<br>Jeffrey A. Warden                     | June 4, 2001                           | 011880/0857           |
| 12742.50USWO      | 10/088,048        | June 4, 2002       | Gunter Ritter  | May 29, 2002                           | 012964/0985           |
| 12742.86USC2      | 10/271,822        | October 15, 2002   | Hubert Kurzinger   | May 12, 1997                           | 9155/0051             |

## ASSIGNMENT

THIS ASSIGNMENT (this "**Assignment**"), effective as of December 17, 2002 (the "**Effective Date**"), is by and between Warner-Lambert /company, a Delaware Corporation ("**Assignor**"), and Tetra Holding (US), Inc., a Delaware corporation ("**Assignee**").

A. WHEREAS, Pfizer, Inc. ("**Pfizer**"), through certain of its Affiliates has sold the capital stock of certain of its Subsidiaries related to the Business and certain Affiliates of Assignor have sold certain assets related to the Business to the Assignee in accordance with a certain Stock and Asset Purchase Agreement dated November 5, 2002 (the "**Stock and Asset Purchase Agreement**") and entered into between Pfizer and Holly Beteiligungs GmbH & Co. KG, a limited partnership with a limited liability company as general partner (*Komplementär*) organized under the laws of Germany (to be renamed Tetra HoldCo GmbH & Co. KG) ("**Holly**");

B. WHEREAS, Assignor was or is the owner of the U.S. Patent Applications set forth in the attached Schedule A (the "**Properties**") and;

C. WHEREAS, in furtherance of the foregoing, Assignor desires to transfer, assign, convey deliver and vest all of its interests and rights in the Properties for all countries, jurisdictions and political entities of the world, to and in Assignee.

NOW, THEREFORE, in consideration of the promises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

Assignor, subject to Section 2.2 of and otherwise in accordance with the Stock and Asset Purchase Agreement, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Assignee, its successors, legal representatives, assigns and nominees, Assignor's entire right, title and interest in, to and under the Properties (including any extensions, reexaminations and reissues of such Properties, patents of addition, divisions, continuations, continuations-in-part and any subsequent filings claiming priority therefrom) and further including, without limitation, all income, royalties and damages now and hereafter due and/or payable to Assignor, for all countries, jurisdictions and political entities of the world, along with the right to sue for past, present and future infringements, in and to all the Properties, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, Assignor now has or hereafter acquires the right to so assign, convey, transfer and deliver.

AND THE ASSIGNOR HEREBY authorizes and requests the Commissioner of the United States Patent and Trademark Office, and any Official of any country or countries foreign to the United States, whose duty is to issue patents or other evidence or forms of intellectual or industrial property protection on applications as aforesaid, to issue the same to the Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND THE ASSIGNOR HEREBY covenants and agrees that the Assignor has full right to convey the entire interest herein assigned, and that the Assignor has not executed, and will not execute, any agreement in conflict herewith.


AND THE ASSIGNOR HEREBY further covenants and agrees that the Assignor will communicate to the Assignee, its successors, legal representatives and assigns, any facts known to the assignor respecting the Properties, and testify in any legal proceeding, sign all lawful papers, make all rightful oaths, and generally do everything possible to aid the Assignee, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Properties.

#### DEFINITIONS

Capitalized terms used herein and not otherwise defined herein shall have the meanings set forth for such terms in the Stock and Asset Purchase Agreement.

IN TESTIMONY WHEREOF, ASSIGNOR has caused this Assignment to be duly executed by its duly authorized officer on the date set forth below.

WARNER-LAMBERT COMPANY

By: 


Its: Assistant Secretary

Date: April 10, 2003

STATE OF New Jersey )  
 )ss:  
COUNTY OF Marion )

On this 10 day of April 2003, before me the undersigned, a Notary Public for the [country/state] of New Jersey, personally appeared Evan Federman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.


Witness my hand and official seal.

  
Signature of Notary

LISA PETERS  
Notary Public of New Jersey  
My Commission Expires January 28, 2007

IN TESTIMONY WHEREOF, ASSIGNEE has caused this Assignment to be duly executed by its duly authorized officer on the date set forth below.

TETRA HOLDING (US), INC.

By: JOSEPH GIL 

Its: DIRECTOR FINANCE / CFO

Date: 5-27-2003

STATE OF VIRGINIA )  
 )ss:  
COUNTY OF Montgomery )

On this 27<sup>th</sup> day of May 2003, before me the undersigned, a Notary Public for the [country/state] of VIRGINIA, personally appeared Joseph Gil, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

My Commission Expires  
July 31, 2004

Grace Doss  
Signature of Notary





RECEIVED

JUN 12 2003

TECH CENTER 1600/2900

## SCHEDULE A - PROPERTIES

### Pending Patent Applications

| Application # | Title  | Filing Date |
|---------------|--|-------------|
| 08/073,756    | Aerobic Support Medium for an Aquarium Filter  | 06/08/1993  |
| 08/529,386    | Filmforming Disinfective Wound Dressing  | 09/18/1995  |
| 10/069,812    | Portion Packing for Gel Feed   | 06/11/2002  |
| 10/009,408    | Energy-Rich Feed Flakes for Fish and Invertebrates as Well as Process for the Production | 07/02/2002  |
| 10/088,049    | Process for the Improvement of the Water Quality of Maintenance Water                    | 06/04/2002  |
| 10/088,048    | Water Treatment Agent for the Prolongation of the Water Exchange in Maintenance Systems  | 06/04/2002  |
| 10/037,260    | Dual Density Filter Cartridge  | 11/07/2001  |
| 10/112,396    | Filtration Devices   | 03/28/2002  |
| 10/205,675    | Novel Flake-Feed, Especially for Aquatic Animals   | 07/25/2002  |
| 10/271,822    | Long-Term Feedstuff for Aquatic Animals  | 10/15/2002  |
| 10/094,892    | Viquarium  | 03/11/2002  |
| 29/137,936    | Aquarium Filter  | 03/01/2001  |
| 709867        | Medicated Food for the Treatment of Ectoparasites and Endoparasites in Pet and Farm Fish | 06/04/1991  |
| 882491        | Gang Valve   | 05/13/1992  |
| 801797        | Aquarium Water Treatment Module  | 12/02/1991  |
| 349277        | Aquarium Water Treatment Module  | 05/09/1989  |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RITTER  
Serial No.: 10/088,049  
Filed: JUNE 4, 2002  
Title: PROCESS FOR THE IMPROVEMENT OF THE WATER QUALITY OF MAINTENANCE WATER

Examiner: UNKNOWN  
Group Art Unit: UNKNOWN  
Docket: 12742.19USWO

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 6, 2003.

By:

Name:

*Kristine A. Lincek*  
Kristine A. Lincek

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Other: Revocation and Power of Attorney with Certificate Under 37 C.F.R. § 3.73(b) Including Tables A and B and Copy of Assignment with Schedule A - Properties
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:

Name: Karen A. Fitzsimmons

Reg. No.: 50,470

KFitzsimmons:PSTkaw



RECEIVED

JUN 11 2003

TECH CENTER 1600/2900